

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALI AL-TIMIMI,

Defendant.

Case No. 1:04-cr-385 (LMB)

**UNOPPOSED MOTION FOR SUPPLEMENTAL MODIFICATION OF CONDITIONAL
RELEASE ORDER**

Defendant Dr. Ali Al-Timimi respectfully moves this Court for a supplemental modification of its Conditional Release Order of August 18, 2020 [Dkt. No. 520] to direct the Federal Bureau of Prisons (BOP) to continue to hold Al-Timimi under quarantine until **Thursday, September 3, 2020**, on which date he can be released into the custody of his attorney of record, Thomas M. Huff, for transportation by automobile to his location of home confinement. This relief is sought to allow Mr. Huff adequate time to travel to ADX in light of two substantial briefs that are now due with the Fourth Circuit on Monday.

In further support, the defense states as follows:

1. At present, defendant Al-Timimi is scheduled for release from ADX on **Tuesday, September 1**, which marks the conclusion of his 14-day quarantine period under this Court's Conditional Release Order. ADX has advised Mr. Huff that it cannot hold Al-Timimi beyond that date, stating that "if you cannot be here to pick him up on that date, we will need to work with the United States Probation Office and the Court to coordinate some other means of travel for him." *See* August 28, 2020 Email Correspondence (attached as Exhibit A).

2. As the Court is aware, the government recently noticed an appeal of the Conditional Release Order with the Fourth Circuit. The defendant's opposition brief is due on Monday, August 31 at noon. The government has also filed with the Fourth Circuit a new motion for stay of this Court's Order. The defense's response to that motion is due on Monday at 2 pm. Because both briefs are due on Monday, Mr. Huff is presently unable to travel to ADX by automobile in time for Al-Timimi's scheduled release on the following day.

3. Accordingly, the defense seeks a modification of the Conditional Release Order directing ADX to hold Al-Timimi for two extra days, under quarantine, until Thursday, September 3, so as to allow sufficient time for Mr. Huff to travel to Florence, CO.

4. Mr. Huff has presented a tentative travel plan to Probation Officer Jeffrey Smihal, and Officer Smihal has agreed that the travel plan is acceptable.

5. The parties have conferred and the government consents to the motion. A proposed order is attached.

Respectfully submitted,

/s/

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Attorneys for Defendant Ali Al-Timimi

Dated: August 28, 2020

CERTIFICATE OF SERVICE

I certify that on August 28, 2020, I will file the foregoing document on the CM/ECF system, which will then serve it by electronic notification on all parties of record.

/s/

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